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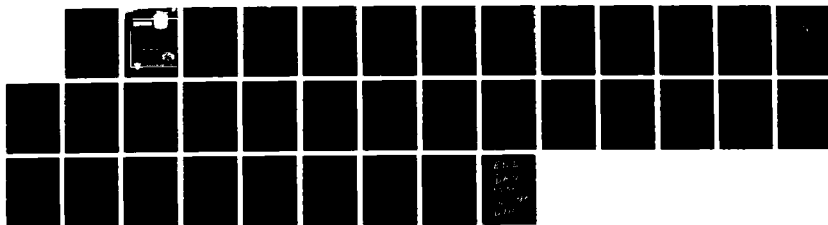
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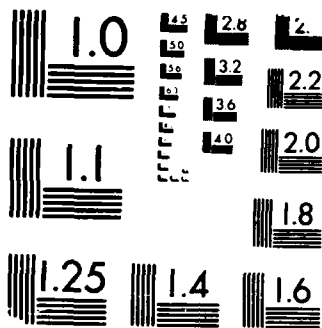
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THE ROLE OF THE ARMY IN THE WAR ON DRUGS
BY
LIEUTENANT COLONEL THEODORE S. CLEMENTS

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the continuing struggle against drug trafficking and abuse. The U.S. Government for the first time has acknowledged that the international drug trade is a national security concern when President Reagan signed the National Security Defense Directive of 1986. Drug trade has the ability to cause economic destabilization among our allies and degrade our internal security and military readiness. Is it then appropriate that our role in combatting the problem as a military force be identified and possibly expanded? The scope of this essay is limited to the Army's role in assisting civilian authorities in their drug suppression and interdiction efforts against civilian criminal elements. It will also explore the feasibility of that role in view of current funding constraints and the impact it may have on Army readiness. This essay does not address the other services' role in this effort.

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USAWC MILITARY STUDIES PROGRAM PAPER

THE ROLE OF THE ARMY IN THE WAR ON DRUGS

AN INDIVIDUAL STUDY PROJECT

by

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Project Adviser

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US Army War College
Carlisle Barracks, Pennsylvania 17013
28 March 1988

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ABSTRACT

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Within the last 8 years, there has been an increased awareness, both publicly and politically, concerning the problems of drug trafficking. This problem is identified as the most serious organized crime problem in the world today. Public concern over the problem intensified during 1986 as a result of the widely publicized drug-related death of University of Maryland basketball star Len Bias, and widespread media coverage of a new form of cocaine, called "crack." The President's personal attention, coupled with the congress' approval for tougher anti-drug measures and expanded media coverage, attest to a firm commitment to the continuing struggle against drug trafficking and abuse. The U.S. Government for the first time has acknowledged that the international drug trade is a national security concern when President Reagan signed the National Security Defense Directive of 1986. Drug trade has the ability to cause economic destabilization among our allies and degrade our internal security and military readiness. Is it then appropriate that our role in combatting the problem as a military force be identified and possibly expanded? The scope of this essay is limited to the Army's role in assisting civilian authorities in their drug suppression and interdiction efforts against civilian criminal elements. It will also explore the feasibility of that role in view of current funding constraints and the impact it may have on Army readiness. This essay does not address the other services' role in this effort.

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THE ROLE OF THE ARMY IN THE WAR ON DRUGS

CHAPTER I

INTRODUCTION

The cocaine related death of 22-year-old University of Maryland basketball star Len Bias on 19 June 1986, had ramifications far beyond the College Park, Maryland campus. Bias' death, along with the cocaine-induced death of pro football player Don Rogers of the Cleveland Browns that same year, focused national attention on drug use in general, and in particular on cocaine and its derivative "crack".

In the weeks following both Bias' and Rogers' death, President Reagan spoke out strongly and repeatedly against drug abuse (although his comments were completely unrelated to the death's of Bias and Rogers). In July 1986, the Pentagon sent Army troops for the first time to a foreign country (Bolivia) to help wipe out drug processing facilities. Local, state and federal agencies campaigned against drug use with the aid of 1.7 billion dollars authorized by congress.¹

On 27 October 1986, President Reagan signed into law the Anti-Drug Abuse Act. In addition to considerably enhancing federal, state, and local drug abuse prevention and treatment efforts, this sweeping legislation provides the drug law enforcement community with significant new resources for its battle against the illicit manufacture, distribution, and con-

sumption of drugs. The act also authorizes appropriations to the Department of Defense (DOD) for enhanced support of drug interdiction activities and provides for greater Naval assistance to the Coast Guard in carrying out its maritime drug law enforcement mission.²

Under current legislation (Public Law 97-86), U.S. military personnel will be allowed to help U.S. agencies and foreign governments plan assaults on narcotic traffickers, equip police forces and transport them to attack sites. The armed forces will also be permitted to dedicate personnel and equipment (i.e., radar-equipped airplanes or satellites) to fighting drug traffic.³ In the past, military assistance against narcotics had been limited mostly to training U.S. and foreign personnel, and providing temporary loans of equipment on a space available basis. Until 1981 even that level of aid was described by Casper W. Weinberger as "very dangerous and undesirable." Also, military leaders have been wary of allowing the armed forces to be turned into police officers due to the prohibitions of the Posse Comitatus Act.⁴

The armed forces are now able to help in almost any area of civilian drug law enforcement except arrests, seizure of materials and apprehension of suspects. Those restrictions will impose limitations regarding the Army's role that will be amplified later in this essay.

ENDNOTES

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2. Title III - Interdiction, "Defense Drug Interdiction Act (Subtitle A)," Anti-Drug Abuse Act, 1986.
3. Joanne Omang, "Military Role in Drug Fight Outlined," The Washington Post, 9 June 1986, p. A-4.
4. Ibid.

CHAPTER II

THREAT ASSESSMENT

In order to gain a clear appreciation of the Army's role in assisting civilian authorities in their drug suppression and interdiction efforts, one must understand the threat created by drug trafficking and abuse.

Drug trafficking threatens the United States in three ways: social, economic, and political-military. Drugs pose a threat to the United States through the degrading effect they have on the moral, social and economic well-being of this country. The political-military dimension of the threat consists of four elements: undermining friendly governments important to U.S. security through corruption, intimidation, and economic destabilization; drug linkages to insurgencies which further threaten to destabilize these governments; the threat of drug related terrorism to U.S. officials and citizens abroad; and the degradation in military readiness and internal security of the U.S. Armed Forces resulting from illicit drug use.¹

By far the most popular and prevalent illicit drug in the United States today is cocaine, and it is the object of intense concern of drug enforcement officials. Cocaine has tremendous allure as a "recreational" drug that is supposedly nonaddictive; that stimulates and excites the brain, rather than dulling it as do many other drugs.² Its users include both men and women,

many of them young and upwardly mobile, and frequent use is regarded by some as an important status symbol. In reality, cocaine is very dangerous and psychologically addictive. Habitual use is an expensive habit that supports the brutal business of international drug trafficking.³

In recent years the smuggling of drugs from South America has become a major business in the southeastern United States, particularly in Florida. Columbia continues to be the predominant location for marijuana and cocaine trafficking, providing 75 percent of the cocaine hydrochloride available in the United States in 1985.⁴ The map at Figure 1 highlights the major trafficking routes for drugs flowing from South America across the southeast border of the United States. Mexico is a principal source or transit country for heroin entering the United States as the map at Figure 2 illustrates. Law enforcement activity along the U.S./Mexican border is a large part of the nation's domestic and international efforts to contain this problem.⁵

Despite our interdiction efforts the flood of illicit drugs across the border continues. The estimates by private and government sources vary, but it is generally agreed that there are 6,000 to 7,000 illegal penetrations of U.S. airspace by drug-laden aircraft each year, and only a fraction of them (maybe 300; less than 5%) are successfully interdicted. The Customs Service, concerned and fully aware of its limitations in halting airborne

"The Colombian Connection"



Source: Drug Enforcement Administration

FIGURE 1

smuggling, is desperately searching for a solution.⁶

In the late 1970's and early 1980's, marijuana and heroin trafficking from Mexico seemed under control, but by 1986, the State Department concluded in a report that Mexico posed the most serious problem in international narcotics control for the United States.⁷ The report further said, "that the Mexican government's diminishing control over the drug trade was due in part to an apparent spread of drug-related corruption which has affected every facet of the enforcement program." In a recent assessment, the Mexican government's cooperation in the war against drugs has weakened, perhaps discouraged by economic hard times that make bribes more alluring, with few convictions.⁸

The report on the Mexican government further exemplifies the element of the threat dimension discussed earlier in undermining friendly governments important to U.S. security through corruption and economic destabilization. It also attests to the ability of the drug trade to destabilize our allies efforts in the war against drugs. Therefore, the border provides an important opportunity for surveillance, obtaining intelligence and interdicting illicit drugs with the aid of Army resources. Although interdiction at the border alone will not solve the drug problem, it is a necessary element if our nation is ever going to control drug trafficking.

The consumption of illegal drugs in the United States is enormous, signaling another significant threat in the area of supply and demand. Cocaine, heroin, marijuana, and dangerous drugs, such as tranquilizers, barbiturates, and amphetamines that are used for nonmedical purposes remain readily available.⁹ The huge demand for illegal drugs has created a multibillion-dollar industry in the United States. According to a March 1986 report issued by the President's Commission on Organized Crime:

"Drug trafficking is the most widespread and lucrative organized crime operation in the United States, accounting for nearly 40 percent of this country's organized crime activity and generating an annual income estimated to be as high as \$110 billion."¹⁰

Drug trafficking involves a wide variety of complicated organizational and financial structures. Large drug trafficking organizations may employ many people, including financiers, logistics experts, exporters, importers, wholesalers, retailers and money launderers. Some organizations may depend on an ally with other groups to accomplish a particular aspect of the operation. In other instances, trafficking organizations may be structured along corporate lines with members operating conglomerates of several small groups that handle one or more of the drug trafficking activities.¹¹ In recent events, Steven Michael Kalish, a former major smuggler who masterminded a ring that imported 500,000 pounds of marijuana and 3,000 pounds of cocaine into the

United States, testified before Congress that General Manuel Noriega of Panama was engaged in large drug trafficking.¹² This is the same Noriega who was once a favorite anti-communist supporter of the Reagan administration, a pal of former CIA Director Bill Casey, and a White House guest. "It's nothing short of outrageous," said Senator William Roth, R-Del., who headed the hearing. "This massive drug dealing is as threatening to the United States as closing the Panama Canal."¹³

Another interesting aspect of the drug threat involves drug traffickers who are trying to discover and exploit new technology. This is one of the conclusions reached by a panel of Pentagon analysts who recently studied the means used to detect and neutralize traffickers.¹⁴

Drug traffickers are resorting to countermeasures such as tape recorder detectors, metal and radar detectors, and electronic alarm systems to protect traffickers and their stash pads from court-ordered intercepts as well as rival groups. Radio monitoring devices are a particular problem because law enforcement tactical communications frequencies are being monitored by scanners. Scanners tuned to DEA (Drug Enforcement Administration), FBI, Customs, Coast Guard as well as state and local law enforcement agencies' frequencies are seized on a regular basis. The traffickers are also employing cellular telephones and new high-tech techniques to thwart interception of the conversations. They are using sophisticated paging and electronic mail systems;

as well as personal computers for accounting, record keeping, and the transmission of data.¹⁵

The traffickers high-tech arsenal also includes night vision equipment which has been used along the borders, and remotely-piloted vessels which have been used along the coast of Florida. The latter are controlled from a mother ship and are used to deliver shipments of marijuana.¹⁶

It is apparent that the cost and legality of their actions are of no concern to the trafficker. No matter how you approach the problem, drug trafficking is an enormous business that is producing billions of dollars. The use of technology by the traffickers will increase and will become more sophisticated as new equipment becomes available on the market. Thus, the use of the Army's high-tech inventory of equipment in countering this threat makes our role not only practical, but imperative.

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CHAPTER III

MAJOR CONSIDERATIONS

There are three major considerations which govern the extent to which the Department of Defense (DOD) can provide support and as a result have a direct impact on the Army's role in assisting civilian authorities. These considerations include the legal restrictions on military enforcement of U.S. civil law; the effect on readiness of providing such support, and last, funding.¹

Legal Considerations. The Constitution provides both a means of external defense in the form of standing militaries, and a means of maintaining internal order through state militias. The drafters of the Constitution clearly intended to constrain the use of federal military forces in domestic affairs. Thus, our national aversion to the regular military establishment performing internal police functions is longstanding.²

In the past, in response to limited emergencies and pursuant to specific authority, the United States has reluctantly used regular military units or federalized National Guard units to enforce civil law.³ Regardless of whether it is federal troops or national guardsmen in a federal status acting as policemen, the Posse Comitatus Act and Public Law (PL) 97-86 (codified as 10, U.S.C. 371-378) prohibit direct military involvement (i.e., search, seizure, or arrest) in U.S. law

enforcement actions. While the extraterritorial application of the Posse Comitatus Act is unsettled as matter of law, the interpretation of PL 97-86, which provides limited authority for military assistance "outside the land area of the United States" to federal law enforcement officials, is that such assistance does not extend to search, seizure, or arrest in international waters and airspace.⁴ The Foreign Assistance Act of 1961 places similar restrictions to those of Posse Comitatus and PL 97-86 on U.S. drug interdiction efforts in the territory of a foreign state. Thus, without changes to existing laws, U.S. military involvement in drug interdiction in the United States, on the high seas, and within a foreign country can only be limited to indirect support. In enacting the 1976 amendment to the Foreign Assistant Act, Congress clearly intended to prohibit U.S. personnel from participating directly in enforcing foreign narcotics laws within the territory of a foreign state.⁵ Army Regulation 500-51 further prohibits the Army from getting involved in any activity which may result in the interdiction of a vessel or aircraft. It does however, encourage elements of the Army to provide information obtained through the course of normal training and operations to civilian law enforcement agencies, especially if the information obtained appears to be in violation of a state or federal law. However, the Army is prohibited from participating in a search, seizure or arrests.⁶ Army personnel (military) are precluded from conducting those activities

which are within the purview of civilian law enforcement agencies such as: the interdiction of vehicles, vessels or aircraft, search, seizure, arrest, stopping or frisking actions; conducting surveillances, pursuing individuals; or acting as informants, undercover agents, interrogators or investigators.⁷ Army Regulation 381-10 also restricts the Army from planning operations that are solely designed to assist law enforcement agencies. In addition, the Army can not plan operations that will acquire information on United States citizens, except for information which may be collected about United States citizens who are reasonably believed to be engaged in international narcotics activities.⁸

Effect on Readiness. By law (10 U.S.C. 376), military support in providing assistance to civilian authorities in their drug suppression efforts cannot degrade the Army's or any other service's capacity to meet its readiness missions. The character and extent of the Defense Department's involvement in efforts to assist in the interdiction of drug trafficking must be weighed against DOD's capacity to accomplish its primary mission: national security.⁹

Greater interdiction efforts by the Army would probably divert us from normal training. Operational activities would likely result in a decline in readiness since most anti-drug operations would not provide the type of training essential to meet operational requirements. Detection, identification and

interception of small planes, for example, does not provide the same intense and realistic training derived from conducting exercises with high performance aircraft. Furthermore, the time spent on solitary drug patrols do not contribute as much to maintaining combat readiness as if the same hours were spent on dedicated unit training. Selected use of the Army Reserve and National Guard units may optimize anti-drug support while minimizing the overall readiness degradation of the active Army.

Funding. Department of Defense is not permitted to allocate funds specifically for a purpose other than the national defense. In general, other agencies must reimburse DOD for support provided to them unless substantially equivalent training benefits accrue to DOD from such provision or the support is provided incidental to a military mission. The applicable statutes are the Economy Act and the Leasing Statue. By providing support on a reimbursable basis or at no cost when such support is incidental to training already funded, we maintain flexibility in employing active forces so as not to detract from military preparedness while contributing to drug interdiction efforts.¹⁰

ENDNOTES

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3. Ibid.
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CHAPTER IV

THE ARMY'S ROLE

Curtailing the illegal flow of drugs into the United States is a statutory responsibility of the Customs Service, the Coast Guard, and the Drug Enforcement Administration. The question is not whether the Army is going to do something against the drug flow into the United States, but how much and what are the legal considerations, the impact on readiness and costs? A senior Defense Department official summed up the challenge:

"Some Pentagon officials see themselves being dragged into an open-ended conflict - one that could drain military resources already stretched thin by America's commitment to NATO and other U.S. security interests around the world. They worry that the politicians in Washington will be tempted to use the military as a bottomless well of manpower instead of allocating money and people to less dramatic aspects of the struggle against drug use in the United States."¹

For the past four years all branches of the armed forces have been helping the U.S. Drug Enforcement Administration and the Customs Service keep an eye out for would-be drug traffickers. This surveillance has been carried out mostly in the Caribbean and along the 1,900-mile border with Mexico. The Army in particular, has aided civilian agencies by assisting them in their drug surveillance and interdiction efforts through loaned

equipment and giving expert advice.

Operation "BLAST FURNACE" conducted in 1986, is a prime example of the support provided by the Army. The government of Bolivia asked the Department of State for support in eliminating cocaine processing/drug storage sites. Believing there to be a serious threat to the United States from the drug trafficking in Bolivia, the Attorney General and the Deputy Secretary of Defense (in accordance with 10 U.S.C. 374) jointly declared the existence of an emergency situation. The Army's specific support included aircrew and logistics support personnel for U.S. Army Blackhawk helicopters which provided quick insertion of Bolivian National Police and DEA agents into cocaine production/cache sites. These Army helicopters flew 1,200 hours in support of 107 operational missions. The U.S. Air Force provided 537 hours of airlift for Army units to and from Bolivia as well as supporting in-country logistics.² The very fact that the Army carried a huge, and very obvious logistical tail in getting to Bolivia, raises some doubt about the surprise element of the operation. Some analysts believe that the military's innate operational gigantism will hamstring future operations in launching lightning raids against drug operators, who often have excellent intelligence and mobility.³ To keep four Blackhawks in the field, the Army needed to have six helicopters on hand to cover for possible breakdowns. To support six helicopters it needed 160 troops to carry out maintenance, security, kitchen duty and other tasks.

To transport the Blackhawks, the Army needed an Air Force Galaxy airlifter.⁴

It is these types of operations that can mount into enormous costs for the Army if not reimbursed by the supported civilian agencies. Despite the logistical support required for Blast Furnace, and the fact that the word had spread throughout the drug community of the operation before it kicked off, it was officially rated as a success. Nevertheless, the Army must be cautious not to be dragged into operations that could drain military resources that are already stretched thin by our world-wide commitments and global security interests. To do so will result in the Army's inability to stay combat ready and meet its readiness requirements.

On the Arizona-Mexico border, the Army has been running two programs, code-named Hawkeye and Groundhog. In operation Hawkeye, conducted from Fort Huachuca in Arizona, Army trainees learn how to operate OV-1D Mohawk observation aircraft with radar and infrared photographic equipment. Any useful data they collect is forwarded to the Border Patrol and the Customs Service. In Operation Groundhog, another mission emanating from Ft. Huachuca, Army radar specialists watch the border on the ground. In 1985 the Army detected 518 suspicious movements, and as a result, Border Patrol agents detained 176 suspects. In addition, the Army has used TSQ-71 mobile air-traffic control radar equipment to help law enforcement agencies detect drug planes approaching

the U.S. border.⁵

The Army and the National Guard have provided a variety of additional support to drug enforcement agencies including loan of night vision imaging systems; specialized training, including rappelling and use of ground radars; use of rifle and pistol ranges by law enforcement personnel; and use of Army National Guard aviation assets for training. Army aircraft loaned to federal civilian drug enforcement agencies have included Blackhawks, Cobras, OH-6 helicopters and Mohawk fixed-wing aircraft. Additionally, the Army loaned the U.S. Customs Service six C-12 King Air aircraft with delivery in Fiscal Years 86 and 87.⁶ The Army, Navy, Air Force and Marine Corps (in addition to the Coast Guard) have provided expert personnel assistance to seven National Narcotics Border Interdiction System (NNBIS) regional or district centers in addition to the NNBIS headquarters in Washington, D.C.⁷

As a result of the National Security Directive on Narcotics and National Security, the Army, as well as all of the military services, must assume greater roles in countering drug trafficking. Any expanded role for the Army in assisting civilian authorities must take advantage of all Army resources without seriously affecting the overall combat and readiness mission. I would suggest that any expansion of the Army's current role should consider the use of other Army assets not already mentioned.

The Air Defense community could play a continuing role with assets available from the Air Defense Center at Fort Bliss, Texas. A successful interdiction strategy along the U.S./ Mexican border might consider the detection capabilities of both low and medium attitude ground to air radars associated with the HAWK Air Defense System and even the CHAPPARAL System. The role of Army Air Defense could be conceptually and practically demonstrated in the form of equipment loans and shared intelligence information through aircraft identification. As mentioned earlier in this essay, the detection, tracking and identification of small aircraft may not produce high intensity training for air defense personnel. However, the training value for the Army could still be gained by practicing those ARTEP tasks and standards associated with road marches, emplacement and operating equipment in the field, and the command and control aspect associated with Air Defense forces in a field environment.

Unlike the civilian sector, the Army's war on drugs has continually focused on the demand for drugs and has used military inspections as a primary weapon for eliminating drug abuse. Nevertheless, the Army can, to a limited extent, employ electronic surveillance and informants off post against suspected civilian drug offenders who deal with soldiers.⁸ The prohibitions of Army Regulation 500-51 only extends to the use of military personnel in these activities, not to the civilian employees working for the Army. Therefore, the Military Police,

the Intelligence Branch, as well as the Army's Criminal Investigative assets could be used to assist civilian authorities in investigating civilians who are reasonably believed to be the immediate source of drugs introduced onto Army installations. This effort could be expanded by permitting the use of Army undercover investigators and informants (i.e., civilian employees) to make controlled "buys" from civilian drug dealers. Army investigators could further assist by participating in joint investigations with civilian law enforcement officials for the purposes mentioned above. However, no apprehension, search or arrests of civilians engaged in off-post dealings could be authorized for Army (military) investigators.⁹

The Army National Guard is another source that could assist civilian agencies in an expanded role. Their assistance has been recognized in the past through equipment loans and the use of ground radars and helicopters. The first state to use the National Guard to fight the war on drugs was Hawaii in 1976. Their efforts combined with various local and state agencies were used to eradicate marijuana from the state.¹⁰ Since then, more National Guard organizations have become actively involved in either the eradication or interdiction of drugs, and have supported state authorities in their drug enforcement programs. In North Carolina, law enforcement personnel have accompanied flight crews for the purpose of spotting marijuana who then directed ground crews to the site.¹¹ In similar operations in Kentucky,

a state wide sweep using 16 National Guard helicopters, spotted 33 marijuana fields in which 25,800 marijuana plants were destroyed.¹² The use of Army National Guard units can be of significant value in both the interdiction and eradication efforts. However, for the Guard support to be effective, more states must use their services.

The Army has contributed to the anti-drug campaign for several years by the implementation of its mandatory drug testing program. As the front runner among the Services, the Army has been making significant strides in the mandatory urinalysis program in detecting both marijuana and cocaine abuses. The strict punitive and administrative actions initiated by the Army against identified abusers has become an important deterrent. This deterrent has led to improved force readiness.

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CHAPTER V
CONCLUSION

In view of the threat to society in general, and the unique capabilities of the armed forces, the Army has an important role in assisting civilian agencies in their drug suppression efforts. Over the last 4 years the Army has provided substantial support in the form of equipment loans, shared intelligence information, training, and personnel to support the national anti-drug effort. I believe that the current level of support to this effort is adequate and should be a mission for the Army. The interdiction efforts by the drug enforcement agencies should take full advantage of Army assets consistent with the provisions of the Posse Comitatus Act and the National Security Defense Directive on Narcotics and National Security. The Army can indirectly support interdiction operations in source countries. Additionally, the Army's high-tech equipment can assist surveillance capabilities along the border areas between the United States and Mexico. The Army Reserve and National Guard should continue assisting civilian law enforcement agencies. This assistance should be provided in the form of equipment loans, training of personnel and giving expert advice. In all respects, the Army should refrain from becoming directly involved. Steps as outlined in this essay would continue to preserve the apolitical role of the U.S. Army.

The Army must be careful not to be dragged into operations that could drain military resources because our worldwide commitments and global security interests are already stretched very thin. While the Army provides support to our nation's drug suppression efforts, it still must preserve its flexibility in meeting security and readiness requirements.

The abuse of illegal drugs has become a priority issue for the nation and it affects our internal security and military readiness. But it is my perception that in order to suppress the illicit flow of drugs into our country goes far beyond the Army's role in assisting civilian authorities. We probably can never eradicate drugs altogether, but we can certainly reduced the supply and demand. Only through a sincere commitment and a national campaign that encompasses every aspect of our society, civilian as well as military, can we win the war against drugs.

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